

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Lance Frank

Case Number: 0980 2:09CR02075-EFS-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: January 27, 2011

Original Offense: Crime on Indian Reservation, voluntary Manslaughter and aiding and Abetting, 18 U.S.C. §§ 1153, 1112 and 2

Original Sentence: Prison 90 months;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: April 1, 2016

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: March 31, 2019

PETITIONING THE COURT

To issue a warrant and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/19/2016 and 05/16/2016.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #21: You shall participate in the home confinement program for 90 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence every day from 7 p.m. to 6 a.m., as directed by the supervising officer.

Supporting Evidence: Mr. Frank failed to comply with the requirements of the home confinement program on July 31, 2016.

On July 28, 2016, Mr. Frank reviewed and signed a home confinement agreement form acknowledging he would remain at his approved residence every day from 7 p.m. to 6 a.m. On July 31, 2016, the offender failed to return home by 7 p.m. as scheduled. Mr. Frank returned home later that evening at approximately 8:30 p.m.

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- 6 **Special Condition # 19:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Frank admitted to consuming alcohol on July 31, 2016.

On July 31, 2016, the undersigned officer conducted a home visit and spoke with the clean and sober house manager who related the offender appeared to be intoxicated and would need to move out of the home per their house rules. Upon contacting Mr. Frank, this officer could smell an odor of alcohol emitting from his breath as he spoke. When questioned about consumption of alcohol, he initially denied any alcohol use, but after a brief discussion he admitted to consuming several beers earlier that day. He stated the reason he consumed alcohol was because he was feeling stressed about his living situation and not being there for his daughter. This officer observed a small cut above his eye with some swelling and a couple of drops of blood on his shirt. When questioned about how he sustained the injuries he replied he had gotten into a physical altercation with someone earlier that day at a basketball court. Mr. Frank declined to provide this officer with any additional information about the incident. It should be noted, the clean and sober house manager was going to allow the offender to return to the home after 72 hours but Mr. Frank made some inappropriate statements to another house member, while gathering some of his belongings, which could have resulted in a physical altercation. As a result, the house manager informed Mr. Frank he could not return to the home. The offender was informed he could stay at the local mission in Yakima, Washington, but he refused to stay there. His sister was contacted and she related she was tired of his continued noncompliant behavior and was not going to allow him to reside with her. The detox center was contacted but staff there advised they had no beds available. This officer once again suggested the mission, but he refused and said he preferred to go to Wapato, Washington.

- 7 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Frank failed to report or contact the U.S. Probation Office on August 1, 2016.

On July 31, 2016, Mr. Frank was directed to report or contact the U.S. Probation Office on August 1, 2016 by 9 a.m. He failed to report or contact the undersigned officer as directed. Contact with his sister revealed she had not heard from him since the day prior, nor did she know of his current whereabouts.

- 8 **Special Condition # 17:** Defendant shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. The defendant shall contribute to the cost of treatment according to the defendant's ability to pay. Defendant shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Frank has failed to comply with aftercare services since July 19, 2016.

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On July 19, 2016, Mr. Frank successfully completed a 45-day intensive inpatient treatment program at American Behavioral Health Systems in Spokane, Washington. As a continuation of his treatment program, the offender was scheduled to meet with Merit Resource Services (Merit) personnel on July 19, 2016, for aftercare services. To date, Mr. Frank has failed to contact Merit personnel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 2, 2016

s/Jose Vargas

Jose Vargas
Supervisory U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

August 4, 2016

Date